

**ELECTRONICALLY FILED
NOVEMBER 21, 2006**

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USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
Debtor)

In re:) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
Debtor.)

In re:) BK-S-06-10729-LBR
USA SECURITIES, LLC,) Chapter 11
Debtor.)

Affects)
☒ All Debtors)
☐ USA Commercial Mortgage Co.)
☐ USA Securities, LLC) Date: OST REQUESTED
☐ USA Capital Realty Advisors, LLC) Time: OST REQUESTED
☐ USA Capital Diversified Trust Deed)
☐ USA First Trust Deed Fund, LLC)

**APPLICATION FOR ORDER SHORTENING TIME ON JOINT MOTION OF THE
OFFICIAL COMMITTEES TO APPROVE DISTRIBUTION OF SUPPLEMENTAL
SOLICITATION INFORMATION AND FOR SOLICITATION INFORMATION
TO BE FILED UNDER SEAL**

1 The Official Committee of Equity Security Holders of USA Capital First Trust Deed
 2 Fund, LLC (the "FTDF Committee") on behalf of the Official Committees appointed in the
 3 above-captioned bankruptcy cases (the "Official Committees"), and with the support of the
 4 Debtors, hereby files this Application for Order Shortening Time on the Joint Motion of the
 5 Official Committees to Approve Distribution of Supplemental Solicitation Information and
 6 for Solicitation Information to be Filed Under Seal (the "Application").¹ This Application is
 7 made pursuant to the provisions of 11 U.S.C. §102(1), Fed. R. Bankr. P. Rule 9006, and Local
 8 Rule 9006, and is based upon the pleadings, papers and records on file herein, together with
 9 the Joint Motion of the Official Committees to Approve Distribution of Supplemental
 10 Solicitation Information and for Solicitation Information to be Filed Under Seal (the "Joint
 11 Motion"), the Affidavit of Candace C. Carlyon, Esq. in support thereof, and upon the
 12 following grounds:

15 1. It has come to the Official Committees' attention that a ten page solicitation
 16 letter (the "Unauthorized Solicitation") containing inaccuracies has been distributed to
 17 numerous creditors or investors of these estates.

19 2. By the Joint Motion, the Official Committees are seeking permission to
 20 distribute a supplemental solicitation in response to the Unauthorized Solicitation.

21 3. The Committees further request that it be permitted to filed a copy of the
 22 Unauthorized Solicitation under seal pursuant to Fed. R. Bankr. P. 9018 and Local Rule 9018,
 23 in order apprise the Court of the content, while avoiding additional transmission of the
 24 Unauthorized Solicitation.
 25

27 ¹ The Motion will be filed by early afternoon on November 22, 2006; due to the possibility that the Court may
 28 not be available on November 22, 2006, this Application is being filed in advance of the Motion.

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